



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

DATE April 15, 2005 LOCAL EFFECTIVE DATE April 29, 2005 APPROX FINAL EFFECTIVE DATE May 20, 2005	CONTACT/PHONE Tammy L. Seale Project Planner 805-781-1162	APPLICANT David and Sharon Lopez	FILE NO. DRC2004-00133
SUBJECT Request by David and Sharon Lopez for a Minor Use Permit/Coastal Development Permit to allow the construction of an addition to a single-family residence and attached garage resulting in 1,735 square feet of footprint, 2,656 square feet of gross structural area, and 25 square feet of TDCs. The project will result in the disturbance of approximately 2,165 square feet of a 6,005 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 2110 Emmons Road in Cambria (Lodge Hill area).			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2004-00133 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 1 Categorical Exemption was issued on March 2, 2005 (ED04-387).			
LAND USE CATEGORY Residential Single-Family	COMBINING DESIGNATION Local Coastal Program, Terrestrial Habitat, and Archaeologically Sensitive	ASSESSOR PARCEL NUMBER 023,095,031	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Setbacks, Height, Parking, Erosion Control, Footprint and Gross Structural Area Limitations <i>Does the project meet applicable Planning Area Standards? Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Combining Designations: Archaeologically Sensitive Area, Local Coastal Program Area, Terrestrial Habitat, and Transfer of Development Credits (Cambria) <i>Does the project conform to the Land Use Ordinance Standards? Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242			

EXISTING USES: Single-family residence (2-story)	
SURROUNDING LAND USE CATEGORIES AND USES: North: RSF – Single Family Residence East: RSF – Single Family Residence South: RSF – Single Family Residence West: RSF – Single Family Residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to the following departments and/or agencies: North Coast Advisory Council, Department of Public Works, Cambria Community Services District, and the California Coastal Commission.	
TOPOGRAPHY: Moderate slope: 12-15%	VEGETATION: Grasses and forbs
PROPOSED SERVICES: Water supply: Cambria Community Services District Sewage Disposal: Cambria Community Services District Fire Protection: Cambria Community Services District	ACCEPTANCE DATE: March 2, 2005

DISCUSSION

NORTH COAST AREA PLAN, LODGE HILL PLANNING AREA STANDARDS:

Lot Size: 6,005 square feet
 Lot Type: Double, Typical
 Oversized lot adjustment: 1.71

Slope: approx 15 percent
 Number of trees to be removed: 0
 Base: 1,000 sq ft footprint, 2,000 sq ft GSA

PROJECT REVIEW	ALLOWABLE	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1,000 x 1.71 =1,710	1,735	OK w/25 SF TDCs
GSA (SQUARE FEET)	2,000 x 1.71 =3,420	2,656	OK
DECKS (SQUARE FEET)			
PERVIOUS	513	200	OK
IMPERVIOUS	171	125	OK
HEIGHT (FEET)	28	28	OK
SETBACKS (FEET)			
FRONT	15'	15'	OK
REAR	10'	10'	OK
SIDE	5'	5'	OK
STREET SIDE	10'	N/A	OK

As detailed in the table above, the project complies with the planning area standards for footprint, gross structural area, height, and setbacks. Additionally, the project complies with the parking requirement of providing two (2) off-street parking spaces, and as conditioned, the

project complies with planning area standards for erosion and runoff control and landscaping. Site development will not negatively alter the drainage pattern onsite. Project conditions require the applicant to submit drainage and landscaping plans for approval prior to issuance of a construction permit.

COASTAL ZONE LAND USE ORDINANCE (CZLUO) STANDARDS:

This project complies with the CZLUO standards, specifically with the Transfer of Development Credits (TDC) Program for Cambria and the following Combining Designation Standards: Local Coastal Program Area, Archaeologically Sensitive Area, and Terrestrial Habitat.

Terrestrial Habitat

The existing use is a 2-story 1,269 square foot single-family residence with an attached garage. In 2004, the applicant received a permit from the County Department of Planning and Building to remove a diseased Monterey Pine and removed the tree prior to application for this MUP/CDP. As a result, there are no Monterey Pines onsite. Site disturbance will be minimized and areas disturbed will be revegetated with native plants as noted on the site plan.

Transfer of Development Credit (TDC) Program for Cambria

Owners of 25' lots in Lodge Hill are eligible to purchase Transfer of Development Credits (TDCs) from the Land Conservancy of San Luis Obispo for transfers of allowable building area (expressed in square footage) from lots in special project areas of Lodge Hill. The applicant requests 25 square feet of footprint above the allowable footprint of 1,710 square feet. The project is conditioned to require the applicant to pay a fee to the Conservancy for the purchase of 25 square feet of TDCs, to execute appropriate contracts with the Conservancy, and to provide documentation to the County Department of Planning and Building. As conditioned, the project complies with the Transfer of Development Credit Program.

Archaeologically Sensitive Area

John Parker & Associates conducted a Cultural Resource Investigation of the site on February 18, 2005. The investigation did not discover any significant historic or prehistoric cultural materials and concluded that no significant cultural resources exist on the parcel. The project will result in minimal site disturbance, and it is conditioned to protect archaeological resources in the unlikely event that they are unearthed or discovered during construction.

COASTAL PLAN POLICIES:

This project complies with the Coastal Plan Policies; the most relevant policies follow.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. The Cambria Community Services District (CCSD) serves the existing residence. The addition of living space will result in the increase of 1 toilet, 2 tubs/showers/laundry, 2 kitchen/bathroom sinks, and 2 additional bar/utility sinks. The CCSD approved the increase in fixtures on December 30, 2004 with conditions.

Environmentally Sensitive Habitats

Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: *The proposed project is consistent with this policy because it will not significantly disrupt the habitat; tree removal is not proposed.*

Terrestrial Environments

Policy 29: Protection of Terrestrial Habitats: *The proposed project is consistent with this policy because not allowing an addition to a single-family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5th Amendment of the US Constitution. Therefore, allowing a single-family residence or residential accessory use to be developed on the property is considered a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).*

Policy 30: Protection of Native Vegetation: *The proposed project is consistent with this policy because tree removal will not occur and site disturbance will be minimized.*

Coastal Watersheds:

Policy 7: Siting of new development: *The proposed project is consistent with this policy because the addition of living and garage space will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.*

Policy 8: Timing of new construction: *The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

Policy 10: Drainage Provisions: *The proposed project is consistent with this policy because the project is required to have a drainage plan that demonstrates how the construction of the new residence will not increase erosion or runoff.*

Hazards:

Policy 1: New Development: *The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.*

Policy 2: Erosion and Geologic Stability: *The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.*

Visual and Scenic Resources:

Policy 7: Preservation of Trees and Native Vegetation: *The location and design of the project will not remove any trees.*

Archaeology:

Policy 4: Preliminary Site Survey: *The parcel is in an archaeologically sensitive area. John Parker & Associates conducted a Cultural Resource Investigation of the site on February 18, 2005. The investigation did not discover any significant historic or prehistoric cultural materials and concluded that no significant cultural resources exist on the parcel. The project will result in minimal site disturbance, and it is conditioned to protect archaeological resources in the unlikely event that they are unearthed or discovered during construction.*

Does the project meet applicable Coastal Plan Policies? Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS:

The North Coast Advisory Council reviewed this project at its February Land Use meeting and did not have any concerns.

AGENCY REVIEW:

Public Works: No concerns. The applicant will need to provide a drainage plan and to request an encroachment permit.

Cambria Community Services District: The CCSD confirmed water and sewer availability for remodel of an existing active service. The Fire Department did not provide comments prior to the preparation of this report.

California Coastal Commission: The Commission did not provide comments prior to the preparation of this report.

LEGAL LOT STATUS:

The two (2) existing lots were legally created by a recorded map at a time when that was a legal method of creating lots.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 1) pursuant to CEQA Guidelines Section 15303 because the project is an addition to a single-family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed addition of living and garage space does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety, and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved, because the project is located on Emmons Road, a local road constructed to a level able to handle any additional traffic associated with the project, which would be negligible.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Sensitive Resource Area

- H. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the proposed addition is designed to minimize site disturbance and trees will not be removed.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements because the proposed addition is designed to minimize site disturbance and trees will not be removed.
- J. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant

adverse effects on the identified sensitive resources, because the proposed addition is designed to minimize site disturbance and trees will not be removed.

- K. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because as conditioned, the project meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat because the proposed addition is designed to minimize site disturbance and trees will not be removed.
- M. The project will not significantly disrupt the habitat, because site disturbance will be minimized and trees will not be removed.

Archaeological Sensitive Area

- N. The site design and development incorporate adequate measures to ensure that archaeological resources will be acceptably and adequately protected because no indications of prehistoric or early historic archaeological resources were found during the preliminary surface survey and a condition of approval requires specific actions in the event that any archaeological resources are discovered during the project.

Transfer of Development Credits (TDCs)

- O. Adequate instruments have been executed to assure that lot(s) to be retired will remain in permanent open space and that no development will occur because the applicant will provide verification that the retired lot(s) have been transferred to the Land Conservancy of San Luis Obispo County.
- P. The "receiver" site can accommodate the proposed scale and intensity of development without the need for a Variance (Section 23.01.045), exception to height limitations (Section 23.04.124b) or modification to parking standards (Section 23.04.162h), because, as conditioned, the project or use meets Coastal Zone Land Use Ordinance and Land Use Element requirements.
- Q. The circumstances of the transfer are consistent with the purpose and intent of the applicable planning area programs and standards regarding transfer of development credits.

Public Works

- R. Adequate public service capacities are available to serve the proposed development because the applicant has paid sewer and water impact fees for the bathroom additions to the service provider for the area (Cambria Community Services District).

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes construction of an addition to single-family residence and attached garage resulting in 1,735 square feet of footprint, 2,656 square feet of gross structural area, and 25 square feet of TDCs. The project will result in the disturbance of approximately 2,165 square feet of a 6,005 square foot parcel.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

Conditions required to be completed at the time of application for construction permits

Cambria Community Services District

3. At the time of application for construction permits, the applicant shall provide a letter from Cambria Community Services District stating they are willing and able to service the property.
4. At the time of application for construction permits, the applicant shall apply for a remodel of existing service and pay impact fees to the Cambria Community Services District (District).

Site Development

5. At the time of application for construction permits, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations, and landscape plan.
6. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Conditions to be completed prior to issuance of a construction permit

Fire Safety

7. Prior to issuance of a construction permit, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.

Grading, Drainage, Sedimentation and Erosion Control

8. Prior to issuance of a construction permit, if grading is to occur during October 15 to April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
9. Prior to issuance of a construction permit, the applicant shall submit a drainage plan for review and approval by the County Public Works Department. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site or passed on through an effective erosion control device or drainage system approved by the County Engineer.

Landscape Plan

10. Prior to issuance of a construction permit, the applicant shall submit for Planning Director review and approval, a Landscape Plan that provides for the planting of all open areas of the site disturbed by project construction with native, drought and fire resistant species that are compatible with the habitat values of the surrounding forest. In addition, non-native, invasive, and water intensive (e.g. turf grass) landscaping shall be prohibited on the entire site.

Miscellaneous

11. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.

Public Works

12. Prior to issuance of construction permit, the applicant shall apply for and obtain an encroachment permit for the driveway from the County Department of Public Works.

Transfer of Development Credits

13. Prior to issuance of construction permits, provide written verification from the Land Conservancy of San Luis Obispo County that 25 square feet of Gross Structural Area has been transferred from a parcel within a special project area to the subject property.

Conditions to be completed during project construction

Archaeology

14. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Building Height

15. The maximum height of the project is twenty-eight (28) feet from average natural grade.
 - a. Prior to any site disturbance, a licensed surveyor or civil engineer shall stake the lot and building corners, establish average natural grade and set a reference point (benchmark).
 - b. Prior to approval of the foundation inspection, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.

- c. Prior to approval of the roof nailing inspection, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height, and the actual height of the structure. A licensed surveyor or civil engineer shall prepare this certification.

Cambria Community Services District

16. Existing water fixtures shall be retrofitted to current standards under Cambria Community Services District Code Title 4.
17. The owners shall provide the District with a copy of county construction permit issued for this project.

Grading, Drainage, Sedimentation, and Erosion Control

18. Prior to any grading, all trees bordering the proposed project that are to remain shall be marked for protection (e.g., with flagging) and their root zone fenced. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.
19. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks, shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
20. Permanent erosion control devices shall be installed prior to or concurrently with on-site grading activities.
21. Grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
22. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
23. All areas disturbed by grading activities shall be re-vegetated with temporary or permanent erosion control devices in place.

Conditions to be completed prior to final building inspection

Cambria Community Services District

24. Upon completion of the project, applicant shall submit a request to the Cambria Community Services District for a final plumbing inspection.

Fire Safety

25. Prior to final inspection, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

Landscaping

26. Prior to final inspection, landscaping in accordance with the approved landscaping plan shall be installed or bonded. If bonded for, landscaping shall be installed within 60 days

after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.

Miscellaneous

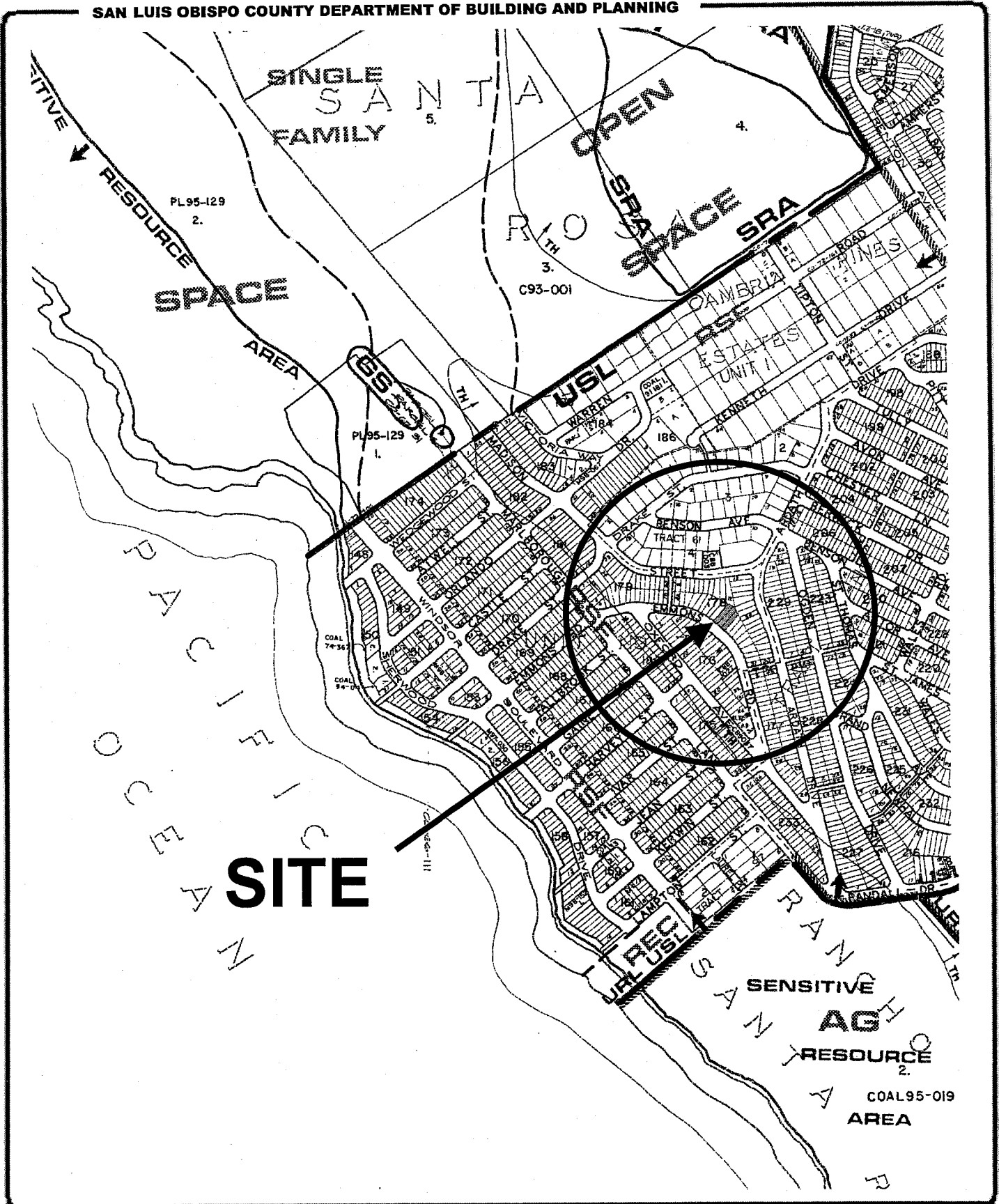
27. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

28. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or if the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
29. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

EXHIBIT

Vicinity Map



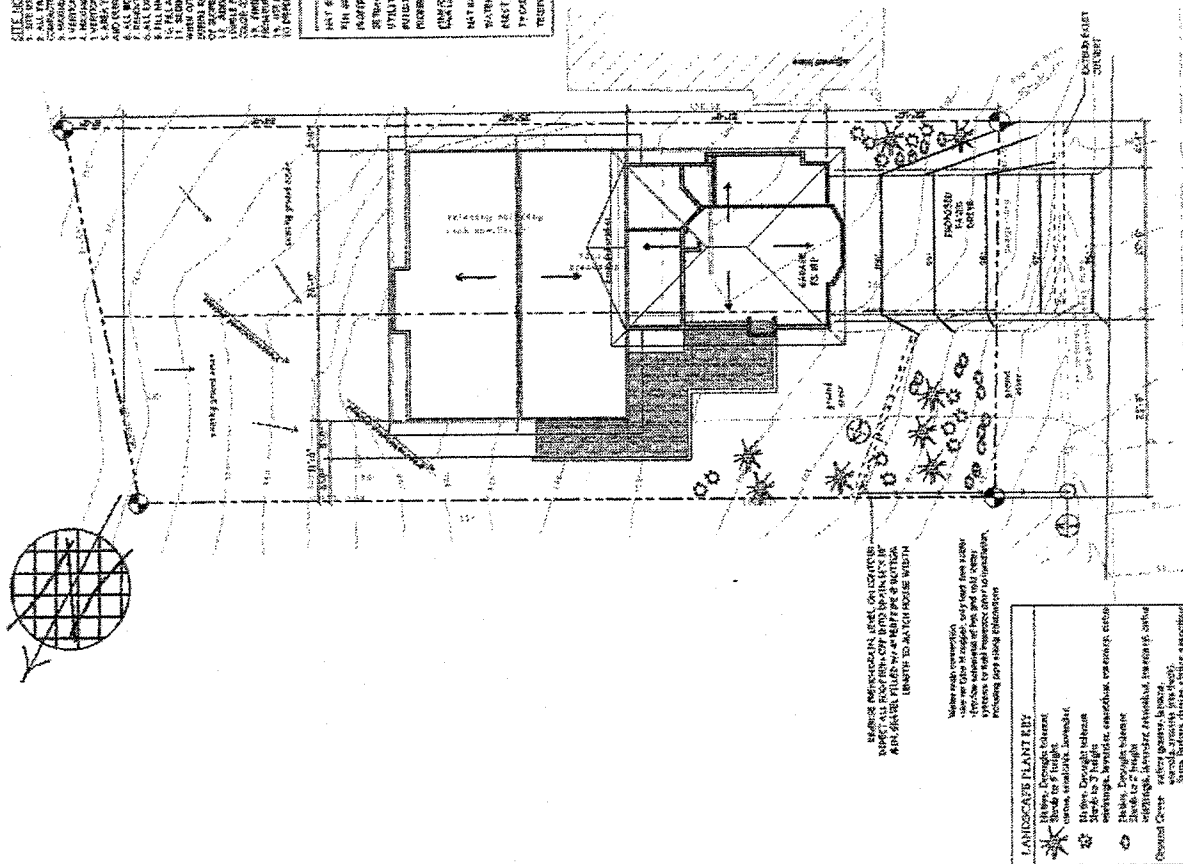
PROJECT

Minor Use Permit
Lopez DRC2004-00133



EXHIBIT

Land Use Category Map



<p>SITE PLAN</p>	<p>David & Sharon Lopez add'l lot to residence at 2110 Edmund Road, Cambridge</p>	<p>Keoni & Annaliese Reedaniel Design 5784 Ventura Ave, Oakland, CA 94618 (909) 927-4987</p>	<p>drawn by: e.s. date: 1/28/96</p>	<p>sheet 1 of 6 approximate location</p>
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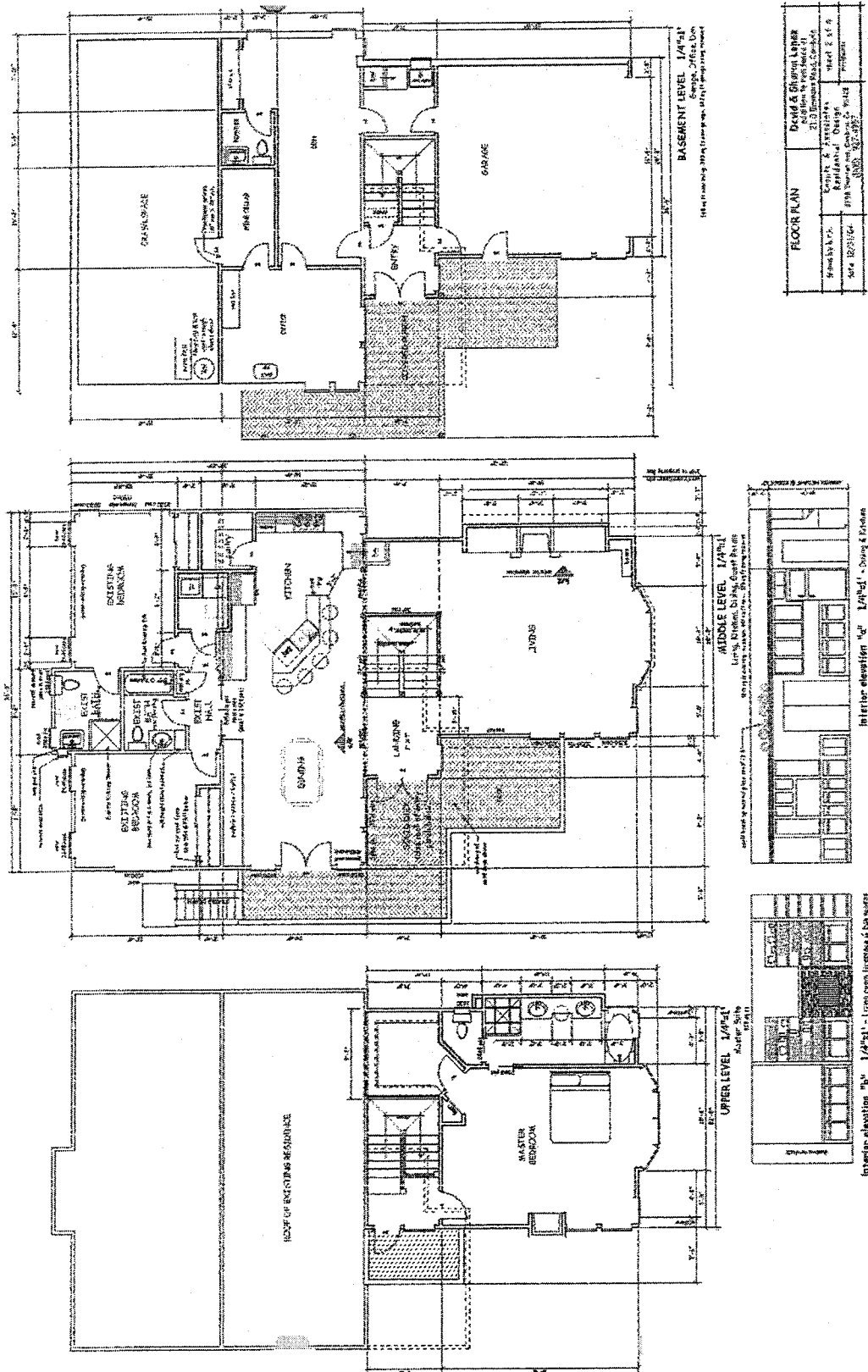
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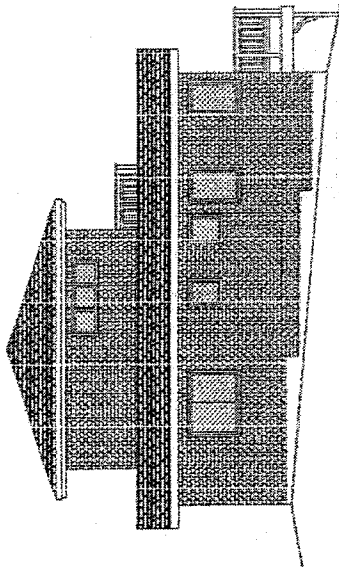
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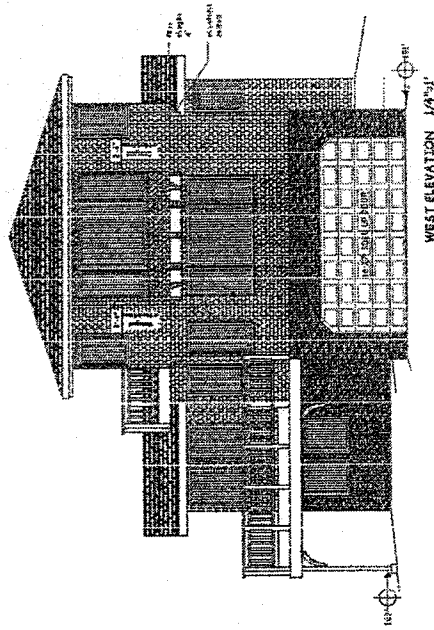
EXHIBIT

Floor Plans



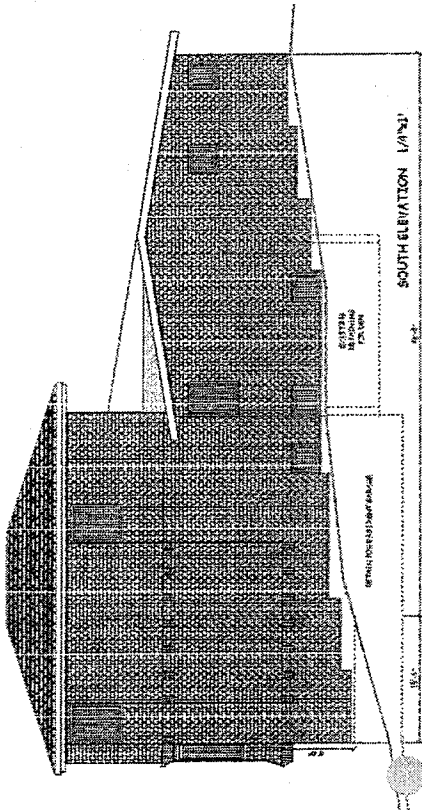


EAST ELEVATION 1/4\"/>

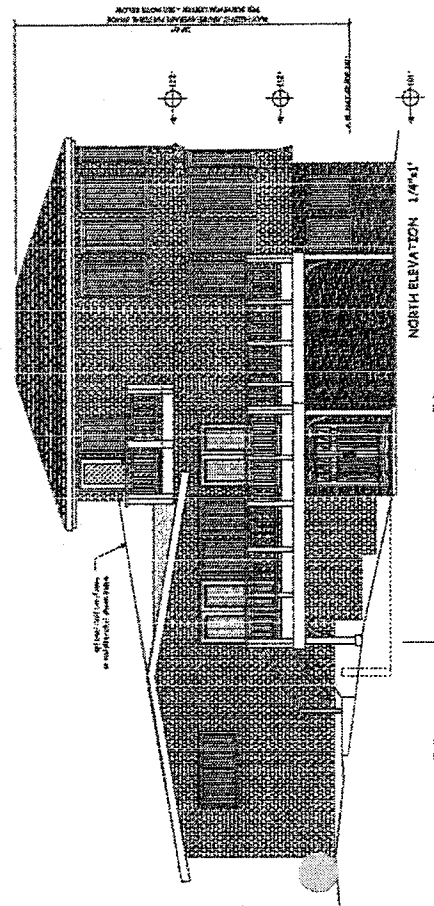


WEST ELEVATION 1/4\"/>

ELEVATIONS		David & Sherry Lopez addition to residence at 2110 Camino Real, Cambria	
Drawn by R.E.	Project #	2110 Camino Real, Cambria	Sheet 3 of 6
Date: 12/11/04	2004-00133	2110 Camino Real, Cambria	Project No.



SOUTH ELEVATION 1/4\"/>



NORTH ELEVATION 1/4\"/>

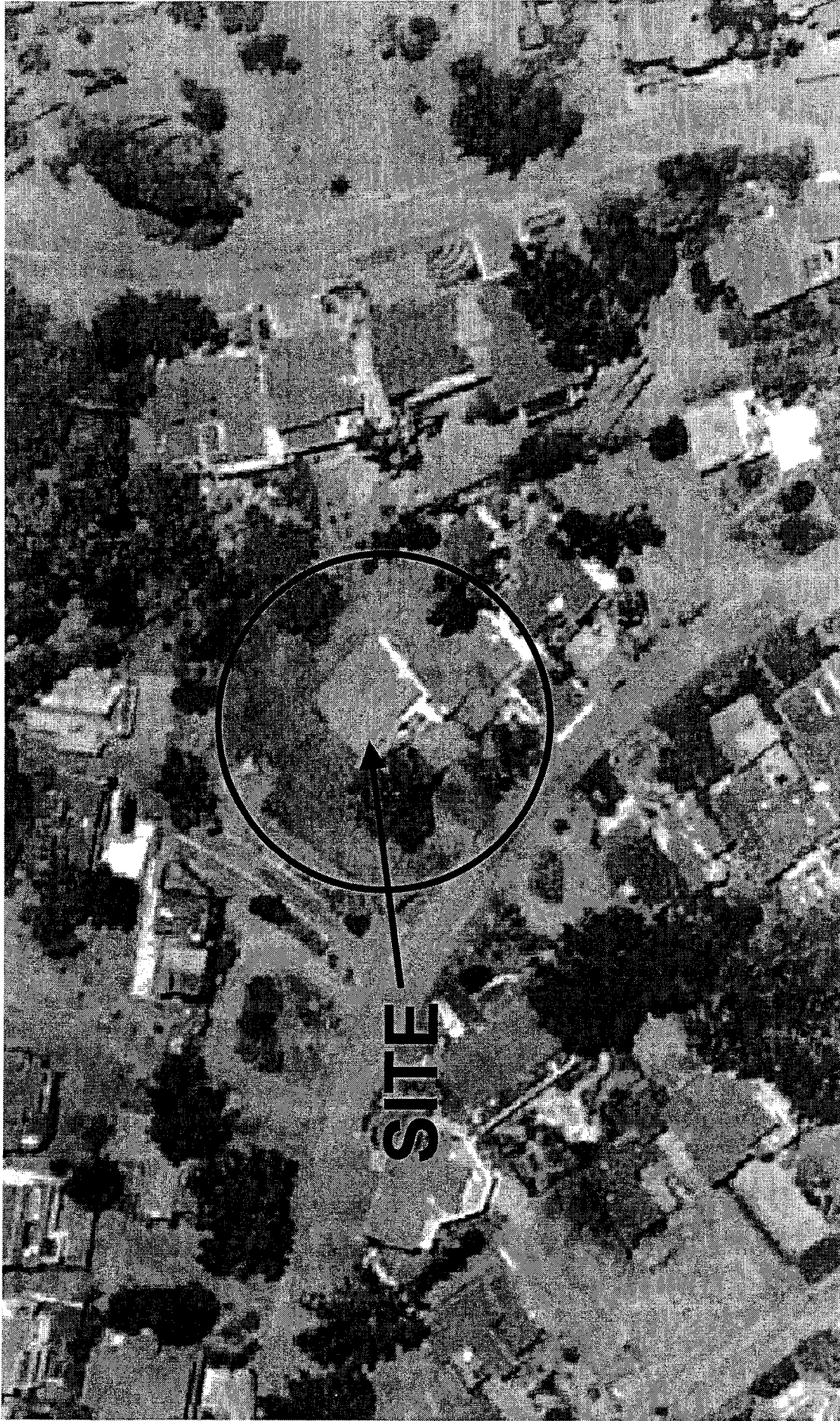
PROJECT

Minor Use Permit
Lopez DRC2004-00133



EXHIBIT

Elevations



SITE

PROJECT

Minor Use Permit
Lopez DRC2004-00133



EXHIBIT

Aerial Photo